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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,170	12/30/2005	Hanno Syrbe	941-012269-US (PAR)	9281

2512   7590   10/09/2007

PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER
CASCA, FRED A

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
10/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/539,170	SYRBE, HANNO
	Examiner	Art Unit	
	Fred A. Casca	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>14 June 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)　　　　　　　　Office Action Summary　　　　　　Part of Paper No./Mail Date 20070927

DETAILED ACTION

Claim Objections

1.   Claim 12 is objected to because phrase "the step" in line 2 is improper. Please remove

the phrase -- the step -- and insert the phrase -- a step -- therefore in line 2.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claim 6, 11 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 6 recites the limitation "the analysis" in line 2. There is insufficient antecedent

basis for this limitation in the claim.

Claim 11 recites the limitation "the cellular network" in line 3. There is insufficient

antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "preferably a downloadable" in line 1. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-8 and 12-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka (US 6,477,461 B2).

Referring to claim 1,Tanaka discloses a method for creating a collection of selected geographical positions (abstract and figures 1-2, col. 3, lines 11-20) using a mobile terminal having a geographical position system (abstract, col. 2, lines 59-67, and figure 1, "vehicle", "navigation system for a vehicle", note that the navigation system for the vehicle is mobile) and a memory for containing the collection of selected geographical positions (abstract, col. 1, lines 55-60, col. 2, lines 60-67, "memory"), comprising the steps of:

obtaining or determining the current geographical position of the mobile terminal (figures 3-8, col. 2, lines 59-67, "for detecting the present position", "GPS"); and storing the obtained position in the memory upon a user input (abstract and col. lines 18-54, "when a user inputs a new location for registration, data of an input new location is stored in the rewritable memory").

Referring to claim 2, Tanaka discloses the method according to claim 1, further comprising the step of adding an attribute to the saved geographical position (abstract and figures 1-2, col. 3, lines 5-20, "travel route").

Referring to claim 3, Tanaka discloses a method according to claim 1 wherein the mobile terminal comprises at least one key and the user input is carried out by pressing the at least one key (figure 1, 9-10).

Referring to claim 4, Tanaka disclose the method according to claim 1, wherein said mobile terminal has a plurality of operating modes including one recording mode in which

pressing of the at least one key causes the current geographical position to be saved (figures 1-3,

8-10 and col. 2, lines 59-67, col. 3, lines 20-30, "user manipulates the operation switches").

Referring to claim 5, Tanaka discloses the method according to claim 1, wherein the

mobile terminal has means for performing mathematical operations, further comprising the step

of performing statistical and/or probability analysis on the collection of geographical positions

(Figures 1-4 and 14-16, "GPS", "geomagnetism sensor", note at least the GPS receiver and

geomagnetism sensor include mathematical operations including statistical and probability).

Referring to claim 6, Tanaka discloses the method according to claim 1, wherein the

analysis preferably comprise analysis of area related density of geographical positions,

preferably selectively within geographical positions with a given attribute or with attributes

within a given group ((Figures 1-4 and 14-16, and col. 3, lines 5-55).

Referring to claim 7, Tanaka discloses the method according to claim 1 wherein the

mobile terminal is provided with means for communicating data to other terminals, further

comprising the step of the mobile terminal sending geographical positions stored in the memory

to other terminals and/or receiving geographical positions form other terminals (figure 1, "11").

Referring to claim 8, Tanaka discloses the method according to claim 7, wherein the

mobile terminal has an RF or IR receiver/transmitter, further comprising the step of sending

and/or receiving geographical positions via an RF or IR based communication channel (figure 1,

GPS receiver).

Referring to claim 12, Tanaka discloses the method according to claim 5 further

comprising the step of generating a map for illustrating the result of the statistical and/or

probability analysis, preferably by generating and displaying a map of an area with a given

density or density range of geographical positions with a given attribute or with attributes within

a given group (figures 9-16 and the corresponding paragraphs).

Referring to claim 13, Tanaka discloses the method according to claim 1 wherein "the

attribute" comprises a time and date stamp and/or a sound file, and/or an image file, and or a

motion video file, and/or a text file (figure 9-16).

Referring to claims 14-20, claims 14-20 define a mobile terminal reciting features

analogous to the features of the method of claims 1, 2, 4, 5, 12, 8 and 9 respectively (as rejected

above). Thus, Tanaka discloses all elements of claims 14-20 (please see the rejection of claims

1, 2, 4, 5, 12, 8 and 9 above).

Referring to claim 21, Tanaka discloses the mobile terminal according to claim 14

wherein the means for storing a current geographical position in the memory upon a user input is

a software application on the mobile terminal (Figures 1-3 5 and 9-14, note that means for

storing any data in memory is inherently a software application).

Referring to claims 22 and 23, claims 22 and 23 define a mobile terminal and an

application reciting features analogous to the features of the method of claims 12 and 1

respectively (as rejected above). Thus, Tanaka discloses all elements of claims 22 and 23 (please

see the rejection of claims 12 and 1 above).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claim 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (US

6,477,461 B2) in view of Najafi (US 2004/0203843 A1).

Referring to claim 9, Tanaka discloses the method according to claim 8.

Tanaka does not specifically disclose the mobile terminal is a mobile phone or a

communicator for use in a wireless cellular communication network and capable of sending

and receiving text messages, further comprising the step of sending a text message including at

least one geographical position from the memory, preferably including any associated

attribute of the geographical position concerned, to one or more remote terminals.

Najafi discloses a mobile phone capable of sending and receiving text messages, which

includes a location determination device and the location information can be transmitted as text

(figures 1-2, abstract and paragraph 15).

It would have been obvious to one of the ordinary skill in the art at the time of invention

to modify the method of Tanaka by incorporating the teachings of Najafi into that of Tanaka in

the format claimed by applicant, for the purpose of providing convenience for users since a user

then will use only one multi-purpose mobile phone that performs both location determination and telephone calls as well.

Referring to claim 10, the combinations of Tanaka/Najafi disclose the method according to claim 9, and further disclose that one or more remote terminals are mobile phones or communicators, and one of the mobile phones or communicators functions as a server with a database of geographical positions (Tanaka, figure 1 and Najafi, figure 1).

Referring to claim 11, Tanaka discloses the method according to claim 8.

Tanaka fails to disclose connecting to a cellular network as claimed by applicant.

Najafi discloses connecting a terminal with location determination features to a cellular network (fig. 1-2, paragraphs 15-16, 22, 24, 27).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Tanaka by incorporating the teachings of Najafi into that of Tanaka in the format claimed by applicant, conserving energy and efficient RF resource usage.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER